

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

BUSINESS WATCHDOG, MERGENT
SERVICES, and JOHN ANDRIES BAL, JR.,

Plaintiffs,

-against-

ITEX CORPORATION, STEVEN WHITE,
personally and in the capacity of CEO, CFO,
and Chairman of the Board, ERIC BEST,
personally and in the capacity of Director,
ROBERT BENSON, personally and in the
capacity of Vice President, NYTO TRADE
INCORPORATED, JOHN CASTORO
aka NYTO TRADE INCORPORATION aka
NYTO TRADING CORPORATION aka NYTO
TRADE EXCHANGE and 44 TRADE
CORPORATION, aka NYTO TRADE, INC.,
personally and in the capacity of President, and
IZZY GARCIA, personally and in the capacity
of Manager,

Defendants.

-----X

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED 10/31/2014

13 **CIVIL** 6794 (CM)(Pro se)

JUDGMENT

Defendants ITEX Corporation, Steven White, Eric Best, John Wade and Robert Benson (collectively, the “ITEX Defendants”) having moved to dismiss (Doc. #37) pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) and Defendants NYTO Trade Incorporated, John Castoro and Izzy Garcia (“NYTO Defendants”) also having moved to dismiss (Doc. #48) pursuant to Fed. R. Civ. P. 12(b)(6), and the matter having come before the Honorable Colleen McMahon, United States District Judge, and the Court, on October 29, 2014, having rendered its Memorandum Decision and Order (Doc. #77) granting the ITEX Defendants’ and the NYTO Defendants’ motions and directing the Clerk of Court to remove Docket Nos. 37 and 48 from the Court’s list of pending motions and to close the file, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision and Order dated October 29, 2014, the ITEX Defendants' and the NYTO Defendants' motions are granted; accordingly, the case is closed.

Dated: New York, New York
October 31, 2014

RUBY J. KRAJICK

BY:

Clerk of Court
K. mango

Deputy Clerk